

## HOUSE BILL NO. 27

INTRODUCED BY J. MUSGROVE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE GOVERNING BODY OF A COUNTY TO PASS AN ORDINANCE CREATING A CURFEW FOR MINORS THAT APPLIES COUNTYWIDE OR TO ANY PORTION OF A COUNTY EXCEPT THOSE AREAS WITHIN THE BOUNDARIES OF AN INCORPORATED CITY OR TOWN; PROVIDING FOR ABSOLUTE LIABILITY FOR A VIOLATION OF A CURFEW ORDINANCE; AND AMENDING SECTION 7-32-2302, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 7-32-2302, MCA, is amended to read:

**"7-32-2302. Establishment of curfew -- penalty.** (1) ~~(a) A board~~ The governing body of a county ~~commissioners~~ may adopt an ordinance that establishes a curfew hour after which minors will not be allowed abroad on the public streets, roadways, or lands ~~within the confines of unincorporated cities and towns~~ of the county.

(b) The ordinance must contain a description of the area covered by the curfew AND PROVIDE EXCEPTIONS FOR APPROVED ACTIVITIES. The curfew may be countywide or pertain to any portion of the county, including an unincorporated city or town. The curfew may not extend to any area within the boundaries of an incorporated city or town.

~~(2) The enforcement of the provisions of this section is enjoined upon~~ It is the duty of each any officer ~~and or official whose duty it is to enforce~~ enforcing the laws of the state to enforce the provisions of this section.

(3) A person convicted of violating a curfew ordinance adopted under subsection (1) shall be punished by a fine in an amount not exceeding \$75 or by a sentence of up to 10 hours of community service, or both. ABSOLUTE LIABILITY, AS PROVIDED FOR IN 45-2-104, IS IMPOSED FOR A VIOLATION OF THIS SECTION."

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